

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

**NOTICE OF HEARING AND MOTION FOR AN ORDER
APPROVING SALE OF ASSETS FREE AND CLEAR OF LIENS**

To: Parties specified in Local Rule 9013-3.

1. Randall L. Seaver, the duly-appointed Chapter 7 Trustee in the above-referenced bankruptcy case ("**Trustee**"), moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 9:30 a.m. on August 31, 2011 Courtroom No. 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415 or as soon thereafter as counsel can be heard.

3. Any response to this motion must be filed and delivered not later than August 26, 2011, which is five (5) days before the time for the hearing (including Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334, Rule 5005 of the Federal Rules of Bankruptcy Procedure, and Local Rules 1070-1 and 1073-1. This is a core proceeding. This case was commenced as a voluntary Chapter 7 proceeding on June 4, 2009. The case is now pending before this Court.

5. This Motion arises under 11 U.S.C. §363(b), (f) and (m) and Bankruptcy Rule 6004.

The Trustee seeks approval of the sale of assets which were sold by auction. More specifically, the

Trustee seeks to sell the following:

- (a) 2006 Harley Davidson Motorcycle
VIN 1HD1PPG116K97621
Purchased for \$9,500.00 by Gordon Wesener
- (b) 2002 FLOE Trailer
VIN 4L4T310142H000606
Purchase for \$600.00 by Ronald Droel

6. The sales will be free and clear of any claimed secured or other interests and all secured or other interests of any purported secured creditors or others will attach to the sale proceeds with the same dignity and priority as those items or interests purportedly held at the commencement of this case.

7. Pursuant to Local Rule 9013-2(c), the Trustee gives notice that he may, if necessary, testify at the hearing regarding the proposed sale.

WHEREFORE, the Trustee moves the court for an order as follows:

1. Approving the sale of the 2006 Harley Davidson motorcycle and 2002 FLOE Trailer with the claimed liens and interests of any claimed secured or other parties attaching to the sale proceeds with the same dignity and priority as those claimed liens or interests held at the commencement of this case.

**LEONARD, O'BRIEN
SPENCER, GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: August 9, 2011

By _____
Matthew R. Burton, #210018
Attorneys for Randall L. Seaver, Trustee
100 South Fifth Street, Suite 2500
Minneapolis, Minnesota 55402
(612) 332-1030

VERIFICATION

I, Randall L. Seaver, Trustee of the Bankruptcy Estate of Dennis E. Hecker, the moving party named in the foregoing Notice of Hearing and Motion for an Order Approving Sale of Assets Free and Clear of Liens, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

/e/ Randall L. Seaver

Dated: August 9, 2011

Randall L. Seaver, Trustee

442314

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY No.: 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

UNSWORN CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2011, I caused the following documents:

***Notice of Hearing and Motion for an Order Approving Sale of Assets Free and
Clear of Liens and Order (proposed)***

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following:

SEE ATTACHED SERVICE LIST

/e/ Stephanie Wood

Dated: August 9, 2011

Stephanie Wood
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

UNITED STATES RENT A CAR
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LAS VEGAS, NV 89121

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CA DEPT OF MOTOR VEHICLES
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SACRAMENTO CA 94269-0001

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ASPEN CO 81611

CITY OF BAYPORT
294 N. 3RD STREET
BAYPORT MN 55003

CITY OF MEDINA
2052 CO RD 24
HAMEL MN 55340

COMMUNITY NATIONAL BANK
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NISSWA, MN 56468

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TREASURER
JUDICIAL CENTER
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BRainerd MN 56401

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

**ORDER APPROVING SALE OF ASSETS OF
DEBTOR FREE AND CLEAR OF INTERESTS**

This case is before the court on the motion of Randall L. Seaver, trustee seeking an order authorizing a sale of assets free and clear of interests.

Based on the motion and the file,

IT IS ORDERED:

1. The trustee's sale of the following is approved:

(a) 2006 Harley Davidson motorcycle
VIN 1HD1PPG116K97621

(b) 2002 FLOE trailer
VIN 4L4T310142H000606

2. The property and rights sold shall be free and clear of any interest in such property pursuant to 11 U.S.C. §363(b) and (f) with such interests, if any, attaching to the proceeds of sale with the same priority, dignity and effect as such interests existed pre-petition.

3. Notwithstanding Fed. R. Bankr. P. 6004(h), this order is effective immediately.

Dated: _____

U.S. Bankruptcy Judge